

REMARKS

The April 15, 2005 Final Office Action has been reviewed and its content carefully noted. Favorable reconsideration of this case is respectfully requested. Claims 1-10 are pending in this application and are currently rejected.

Applicants have amended claim 1 to clarify that the method of the present invention is directed to reducing contaminants in dredged material and this is done by an oxidation process of admixing at least one oxidizing agent with the dredged material in step (b). The resulting solid portion is then used to form a structural article comprising solids and liquids.

Claim Rejections – 35 U.S.C. §103**A. US 5,795,285 to McLaughlin et al. in view of US 6,245,241 to Kupczik et al.**

The Examiner has maintained the rejection of claims 1-8 under 35 U.S.C. §103(a) as being unpatentable over US Patent No. 5,795,285 to McLaughlin et al. (“McLaughlin”) in view of US 6,245,241 to Kupczik et al. (“Kupczik”) stating that it would have been obvious to modify the method of McLaughlin by utilizing the recited oxidation process in view of the teaching in Kupczik.

Applicants respectfully traverse the Examiner’s rejection as being improper in view of MPEP §2143 providing:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

Applicants respectfully submit that a *prima facie* case of obviousness has not been set forth because the office action fails to provide any teaching or suggestion in McLaughlin or Kupczik to combine or modify either of the references to arrive at the presently claimed invention. McLaughlin teaches treating contaminated sediments by plasma melting dredged sediments to destroy hazardous organics and converting the contaminated particles into a low-leachability glass product. (Col 1, lines 14-18). The vitrification process yields a solid product that encapsulates the contaminated particles. Kupczik teaches treating a fine particle fraction of a sediment that is contaminated by subjecting the fine particle fraction essentially at the same time to a cavitation and an oxidation treatment. (Col. 2, lines 40-43). The final product is a silt fraction that has been essentially decontaminated. One skilled in the art would not be motivated to combine McLaughlin or Kupczik because one process yields a solid glass product that encapsulates contaminants and the other yields a silt material that has been decontaminated. Combining the references would not result in a method of reducing contaminants in dredged materials resulting in a decontaminated solid portion that includes a solid component and a liquid component. Because no teaching or suggestion has been set forth as to why one skilled in the art would make the suggested combination or modification to arrive at the presently claimed invention, the rejection should be withdrawn.

B. McLaughlin in view of Kupczik and further in view of US 3,975,266 to Baize

The Examiner has maintained the rejection of claim 9 under 35 U.S.C. §103(a) as being unpatentable over McLaughlin in view of Kupczik and further in view of US 3,975,266 to Baize (“Baize”).

Applicants respectfully traverse the Examiner’s rejection. For the reasons set forth above, combining McLaughlin in view of Kupczik and further in view of Baize would be

improper because the Examiner has not established a prima facie case of obviousness. Therefore, the rejection is unsupported by the art and should be withdrawn.

Applicants respectfully submit that this application is in condition for allowance. Early and favorable action is earnestly solicited. If any additional fee is due, the amount of such fee may be charged to Deposit Account No. 50-1145.

Respectfully submitted,



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